

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Aquil Muhammad,

File No. 24-cv-98 (ECT/DLM)

Petitioner,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

B. Eischen, *FPC Duluth, Warden*,

Respondent.

Magistrate Douglas L. Micko issued a Report and Recommendation on March 11, 2024. ECF No. 6. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based on all the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 6] is **ACCEPTED**; and
2. The action is **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute; and
3. Petitioner Aquil Muhammad's application to proceed in forma pauperis [ECF No. 3] is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 4, 2024

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court